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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,631	11/15/2001	Say-Ling Wen	3313-0403P-SP	7436
2292	7590	09/08/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,631

Applicant(s)

WEN ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-7 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 7, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al.

[Bates] (U.S. Patent No. 6,367,074) in view of Eckardt (U.S. Patent No. 6,542,979).

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7. Regarding claim 1, Bates teaches a method for starting a PDA OS (Quicknote) in a portable computer, which comprises the steps of:

providing an option for a user to select to start the PDA system [col. 5, lines 10-11, 22-23];

providing a PDA OS, which is pre-loaded into a storage device of the portable computer for providing a PDA operating environment in the portable computer [col. 4, lines 20-26];

providing a PDA booting procedure, which is pre-loaded into a BIOS chip of the portable computer for starting the PDA OS[col. 3, line 58 to col. 4, line 5; col. 4, line 62 to col. 5, line 3];  
and

providing a detecting procedure, which is pre-loaded into the BIOS chip of the portable computer for running the PDA booting procedure when the PDA OS is selected [col. 5, lines 22-25].

Bates does not explicitly teach the desired operating environment (Quicknote) is programmed to be booted by a hot key.

Eckardt teaches that a hot key is programmed to boot a system to a second environment (non-standard partition) [col. 1, line 61 to col. 2, line 4; col. 3, lines 41-46].

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the use of hot key taught by Eckardt into Bates because they both teach a method for booting up a computer to a selected environment. Programming a hot key to boot the desired operating system would bring up the system to a ready state faster.

8. Regarding claim 2, Bates teaches that a basic OS (full-feature OS) is installed in the system [col. 1, line 66 to col. 2, line 2].

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9. Regarding claim 3, Bates teaches that the step of installing a basic OS in the computer starting the basic OS comprises the steps of: pre-loading a basic OS into the computer, a booting procedure for starting the basic OS, and its utilities and the computer has a power on button for starting the pre-loaded basic OS [col. 4, line 65 to col. 5, line 3; col. 6, lines 12-20].

10. Regarding claim 4, Bates teaches that the method comprising the steps of:

loading the pre-loaded PDA OS to main memory when the PDA OS is selected [col. 5, lines 22-25];

starting the PDA OS and running its utilities [col. 5, lines 26-29];

running a POST (Power On Self Test) procedure when the power on button is depressed [col. 4, line 65 to col. 5, line 3];

loading the basic OS into the main memory [col. 6, lines 12-20; and

starting the basic OS and running its utilities [col. 6, lines 12-20].

11. Regarding claim 5, even though not disclosed by Bates, one of ordinary skill in the art would have recognized that those recited method steps would have been obvious when booting up a system with a particular operating system in a multiple operating systems system such as obtaining information of a loaded OS, determining whether there is a multiple operation systems system, detecting a particular operating system, and determining whether the particular operating system associated with the operating system selected by a user.

12. Regarding claims 6 and 7, Bates and Eckardt together teach the claimed method steps. Therefore, Bates and Eckardt together teach the apparatus to implement the claimed method steps.

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***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish extending to the right.

Thuan N. Du  
September 6, 2004